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February 25, 2020

BY ECF

Honorable Pamela K. Chen
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Weisshaus v. Hon. Leon Ruchelsman*
20-cv-00717 (PKC) (SJB)

Dear Judge Chen:

This Office has received a request for representation from Defendant Hon. Leon Ruchelsman in the above-referenced action. I write to request a 45-day extension until April 16, 2020 to examine representation issues and thereafter for counsel to proceed to either answer, move or otherwise respond to the Complaint (ECF No. 1).

Justice Ruchelsman's response to the Complaint is currently due on March 2, 2020. We seek this extension of time in order to investigate Plaintiff Yoel Weisshaus's allegations, to undertake an analysis of representation of the Defendant pursuant to Section 17 of the Public Officers Law, and to draft an appropriate response to the Complaint.

While this Office does not currently represent Justice Ruchelsman, this extension is requested on his behalf for the limited purpose of protecting his litigation interests and avoiding default. Our Office is in the process of conducting the investigation required by N.Y. Public Officers Law § 17(c), and accordingly, seeks to preserve Justice Ruchelsman's interests while it investigates the allegations in the complaint and renders determinations concerning representation.¹

¹ Section 17(c) reads: "Where the employee delivers process and a request for a defense to the attorney general as required by subdivision four of this section, the attorney general shall take the necessary steps including the retention of private counsel under the terms and conditions provided in paragraph (b) of subdivision two of this section on behalf of the employee to avoid entry of a default judgment pending resolution of any question pertaining to the obligation to provide for a defense."

On February 21 and 22, 2020, Assistant Attorney General Shi-Shi Wang spoke to Plaintiff, wherein he consented to the requested extension. During one call, Plaintiff also noted that he may amend the Complaint to include, *inter alia*, a request for damages, but he did not specify a date by which he would either make a determination or actually amend the Complaint on the docket.

This is Justice Ruchelsman's first request for an extension of time to respond to the Complaint. Based upon this Office's information to date about this action, we are not aware of scheduled deadlines or conferences that will be impacted by this request.

Thank you for your time and consideration of this matter.

Respectfully submitted,

s/ Elizabeth A. Figueira

Assistant Attorney General